

MEMO ENDORSED**Office of the New York State
Attorney General****Letitia James
Attorney General**

December 13, 2024

Via ECF

Hon. Victoria Reznik
United States Magistrate Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: **Boyd v. Guthrie, et al., 22 CV 8549 (NSR) (VR)**

Dear Judge Reznik:

I write on behalf of Defendants, in regard to this Court's Order dated November 25, 2024, directing the Defendants to produce to Plaintiff subject to a protective order certain investigative reports of the Office of Special Investigations (OSI) of the New York State Department of Corrections and Community Supervision (DOCCS) for investigations involving Defendant Gonzalez. *See ECF Docket # 111-112*. The Defendants seek clarification of and possible modification of the Court's order with respect to the actual possession of said records by the Plaintiff as he is an incarcerated individual. Such information could be used to jeopardize the safety of Defendant Gonzalez and other individuals listed in the records, who are not parties to the instant action.

It is generally the policy of DOCCS to provide OSI records in a controlled review, under the supervision of OSI personnel and appropriately redacted. This policy permits the incarcerated individual to obtain relevant information, but not possess official documents that can be used for nefarious purposes. This policy applies even when the incarcerated individual permitted to review the records is a subject of the investigation. Accordingly, the Defendants request that while the Plaintiff be given access to said records, where he can take notes about the contents of the documents at issue, he should not be permitted to keep the actual documents in his possession and that the names of other individuals listed in the records other than the incarcerated individuals alleging any wrongdoing and Defendant Gonzalez be redacted accordingly. Defendants will be in a position to provide such records to Plaintiff forthwith following the Court's decision on this application.

I thank the Court for its consideration of this matter.

Respectfully submitted,

Hon. Victoria Reznik
United States Magistrate
Southern District of New York
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Defendants' request is **GRANTED** in part and **DENIED in part**.

Plaintiff will be given access to the four investigative reports identified in the order entered on 11/15/2024 (ECF No. 109), so that he can review and take notes about the contents of the documents. But he will not be permitted to keep the documents in his possession. If Plaintiff chooses to rely on these reports in motion practice or at any subsequent trial, which he is permitted to do subject to the parties' Confidentiality Order, Defendants must submit them to the Court at his request. The Court otherwise denies Defendants' request to provide the documents in redacted form.

Defendants must promptly provide Plaintiff with access to unredacted copies of the reports, per this order. If Plaintiff believes Defendants are not timely responding to his requests to view the reports, or are not providing him with sufficient time to view the reports and take notes, he is directed to contact the Court.

The Clerk of Court is kindly directed to close the gavel associated with ECF No. 113.

SO ORDERED.

Hon. Victoria Reznik, U.S.M.J.

Dated: 12/20/2024